IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1605 of 2005

Between:

Sri . Anjaiah, S/o Late U. Balaiah,
No.1, Peerjadiguda Village, Ghatkesar Mandal, Ranga Reddy

District.

..... PETITIONER

AND

The Special Grade Deputy Collector & Revenue Divisional Officer, East Division, Ranga Reddy District at Malakunta Road, Goshamahal, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the suspension of authorisation order of the Respondent in Proc,.No. C/2789/2004 dt. 12-10-2004 to the F.P. Shop No.1 of Peerjadiguda, of the petitioner is illegal, arbitrary and set aside the same.

Counsel for the Petitioner: MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondent: GP FOR CIVIL SUPPLIES

The Court at the admissions stage made the following :

ORDER:

The authorization of the petitioner as a Fair Price Shop Dealer of Peerjadiguda Village, Ghatkesar Mandal, Ranga Reddy District was suspended by the respondent

on 12.10.2004, on the allegation that the petitioner committed certain irregularities, in the matter of distribution of essential commodities. The petitioner claims that though four months have lapsed, the respondent has not even issued a show cause notice, much less concluded the proceedings. Placing reliance upon a judgment of this Court in ***Joint Collector, Kurnool v. A.Neelima***, learned counsel for the petitioner submits that the order of suspension cannot be permitted to remain in force any longer.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The authorisation of the petitioner was suspended pending enquiry into certain allegations. The petitioner was not issued any notice before the suspension was ordered. The respondent cannot sit over the matter without issuing a show cause notice and conclude the proceedings. Strictly speaking, the order of suspension deserves to be set aside for the reason that it is not indicated to be the one as a measure pending enquiry and that this Court in ***A.Neelima***'s case held that a continued suspension pending enquiry beyond three months cannot be sustained in law. The very fact that no show cause notice is issued to the petitioner as yet, discloses that the delay cannot be attributed to the petitioner.

Be that as it may, the writ petition is disposed of, directing that the respondent shall issue show cause notice and conclude the proceedings against the petitioner, within four weeks from today. In case the proceedings are not concluded, the order of suspension, dated 12.10.2004 shall remain stayed and the petitioner shall be entitled to function as dealer. There shall be no order as to costs.

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04.02.2005

Note: Issue C.C. in three days.

(B/o)

Jsu

To

1. The Special Grade Deputy Collector & Revenue Divisional Officer, East

Division, Ranga Reddy District at Malakunta Road, Goshamahal, Hyderabad.

2. 2 CCs to the G.P. for Civil Supplies, High Court Buildings, Hyderabad. (OUT)

3. 2 CD copies